

REMARKS

The above-captioned patent application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive.

Claims 6, 10, 13, 18, 21-23, 26, 29, 42 and 82 are pending in the above-captioned application wherein Claims 1-3, 7, 11, 14, 16, 19, 24, 25, 27, 28, 30, 40, 41, 43-48, 81 and 83 have been restricted. Applicant retains the right to file divisional applications covering the subject matter of any non-elected claims.

The Examiner has rejected each of the above-noted pending claims based on certain prior art. More particularly Claims 6, 10, 13, 18, 21-23, 26, 29, 42 and 82 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ogino (U.S. Patent No. 6,433,946) in view of Yamamoto et al. (U.S. Patent No. 6,904,227) and further in view of Hirai (U.S. Patent No. 6,839,503). The Examiner has also objected to Claims 21-23, 26, 29 and 42 based on certain informalities.

Applicant respectfully requests reconsideration based on the following discussion.

In order to successfully maintain a "prima facie" obviousness rejection under the Patent Statute, each and every claimed limitation must be found in or suggested, whether singly or in combination, by the prior art. Those limitations that are neither suggested nor taught by the cited prior art must be notoriously well known to one of sufficient (i.e. ordinary) skill in the field of the invention.

Turning to the prior art references, Ogino performs control of an output signal by detection of a copy guard signal. Yamamoto discloses a method for erasing audio and video data, while Hirai describes an authentication process. The present apparatus, as claimed in each of independent Claims 6, 10, 13 and 18, is characterized by the following: i) performing a transfer processing for the contents which cannot be copied due to copyright protection; ii) sequentially performing the processing of authentication→ detection of copy inhibition→ encryption/decryption; and iii) simultaneously performing both recording and erasing. The above claimed

features/characteristics are not found or suggested in any of the cited references, whether singly or in combination, and therefore no obviousness rejection can be successfully maintained under the Statute.

Because each of the pending independent claims (Claims 6, 10, 13 and 18) include recited features that are not found in any of the cited references, even as combined, there can be no obviousness under the Statute. Claims 21-23, 26, 29, 42 and 82, being independent thereupon, are believed to be allowable for the same reasons. In passing and with regard to Claim 26 regarding the inclusion of "encasing means", the present invention has no concept for the management of contents. It is not required in the present invention to perform a manipulation or processing for the respective files (formats) of, for example, an MVP file or a MAP file, as specifically required by Yamamoto. Reconsideration is respectfully requested.

As to the noted claim objections, Applicant herein refers the Examiner to the Preliminary Amendment, that was filed concurrently with the above-captioned application on January 18, 2002. In this Amendment, the alternative expressions were previously removed for each of the objected Claims 21-23, 26, 29 and 42. Withdrawal of those objections is therefore respectfully requested.

In summary, it is believed the above-captioned patent application is now in an allowable condition and such allowance is earnestly solicited.

Should the Examiner wish to expedite or advance prosecution with regard to the above-captioned application, he is invited to contact Applicant's representative at the telephone number listed below.

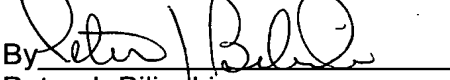
Application No. 10/031,360
Amendment dated August 3, 2007
Reply to Office Action of May 22, 2007

Docket No.: 967_023

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0289, under Order No. 967_023 from which the undersigned is authorized to draw.

Dated: August 3, 2007

Respectfully submitted,

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